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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/601,150	09/05/2000	Motoki Kobayashi	450101-02197	6966
20999 7590 12/09/2008 FROMMER LAWRENCE & HAUG 745 FIFTH AVENUE- 10TH FL.. NEW YORK, NY 10151				
EXAMINER				
CHOWDHURY, SUMAIYA A				
ART UNIT		PAPER NUMBER		
2421				
MAIL DATE		DELIVERY MODE		
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

09/601,150

Applicant(s)

KOBAYASHI ET AL.

Examiner

SUMAIYA A. CHOWDHURY

Art Unit

2421

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 October 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6, 9-15 and 18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6, 9-15 and 18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/C2)
- Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
- Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 10/20/08 has been entered.

Response to Arguments

2. Applicant's arguments with respect to claims 1-6, 9-15, and 18 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-6, 9-15 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Goulden et al (US 5956025) in view of Yeo et al. (US 6,219,837), Hatori et al. (US 5,977,974), Aoki et al. (US 6,253,218), Nomura (5877772) and Dow (6611291).

As for claims 1 and 10, Goulden discloses the claimed limitation of "image display control means for controlling the display of plurality of images generated,

independent of the image data source" is met by 116 - fig. 1 and col. 3, lines 4-24.

The claimed limitations of "focus setting means for setting a focus on an image positioned at a focus area surrounded by a frame, among the plurality of images displayed;" "selection means for selecting an image set by the focus setting means, independent of the image data source" and "wherein the focus area is maintained at a fixed position during the operation of the focus setting means" are met by 212 - fig. 3 (focus area) and col. 4, line 66 - col. 5, line 15. Graphical representation 212 is shown in the center (fixed position) of the visible portion of rack 224. The image data sources as indicated in Fig.3 are VCR, TV, LD, and CD. The image data sources as indicated in Fig. 6 are WISH, SPAN, C-SPAN2, CBS, AND CNN. , and

Goulden fails to explicitly disclose displaying a plurality of indexing images.

Yeo teaches the use of indexing images or summary frames so as to provide quick hyperlinking to a past or future portion of the video. "These summary frames depict key scenes from the past which aid the viewer in quickly ascertaining the current plot or theme of the video program" (Col 3, Lines 28-31). Consequently, it would have been clearly obvious to one of ordinary skill in the art to implement Goulden with the use of indexing images or summary frames so as to provide quick hyperlinking to a past or future portion of the video.

The combined teaching fails to explicitly disclose image generation means for generating a plurality of images which are sequential and arranged spirally, based on image data, and for generating the plurality of images such that an image at a second time point is larger than an image at a first time point, and wherein the image is

switched to a display of a child screen when the image become equal to or larger than the predetermined value, wherein the plurality of images are arranged such that the elapsed time is depicted and the images gradually fade toward the center of the spiral from the outer circumferential side such that background images are visible; and wherein when an image that is presently focused is ahead of the input image data, the image generation means generates a dummy image for a display area that is before the presently focused image;

Hatori discloses image generation means for generating a plurality of images which are sequential and arranged spirally (Col 19, Lines 40-65+), based on the image data input, and for generating the plurality of images such that an image at a second time point is larger than an image at a first time point, among the plurality of images which are sequential and arranged spirally (Col 20, Lines 1-50) so a user can easily have a sense of time interval or depth so that the user can intuitively have a sense of temporal order (Col 2, Lines 38-53).

Hatori further discloses wherein the image is switched to a display of a child screen when the image becomes equal to or larger than the predetermined value (reads on the displacement of the icons based on the current position of the cursor displayed on a particular icon and when the button of the selecting device is clicked in which the icons of the spiral will move forward or inward. As such, the clicked icon will be replaced by the following preceding/succeeding icons based on the distance between the cursor position and the center of the window that dictates the number of icons can be moved; see Col. 11, lines 40-67).

Hatori further discloses the position of the images on the spiral are arranged such that the image having the latest time is displayed behind an image having an earlier time, and that the maximum number of images that are allowed be arranged spirally are displayed. The size of the plurality of images gradually decrease as the center of the spiral is approached; the smaller the image becomes, the less visible it is. Hence, the images gradually fade towards the center of the spiral. The spiral is three dimensional such that the smaller the wind, the further away its images are from the user. Referring to fig. 11, the smaller image 1103 (background image compared to image 1102) on the smaller wind is still visible to the user although it is smaller and on a farther wind compared to larger image 1102 on the closer wind – col. 13, lines 1-10. Accordingly, it gives a sense of depth to the user so that the user can intuitively have a sense of temporal order and a sense of the number of images. (see Fig. 4 & 9; col. 5, lines 15-31, col. 6, line 62-col. 7, line 7, lines 28-33, col. 9, lines 9-20, 37-41).

Consequently, it would have been clearly obvious to one of ordinary skill in the art to implement the combined teaching with the above mentioned limitations for the stated advantage.

The combined teaching of Goulden, Yeo and Hatori fails to explicitly disclose "wherein said image is enlarged until an image becomes equal to or larger than a predetermined value which renders the image gradually transparent in view of said plurality of images displayed"; and wherein when an image that is presently focused is ahead of the input image data, the image generation means generates a dummy image for a display area that is before the presently focused image;

Aoki teaches an image that is enlarged until an image becomes equal to or larger than a predetermined value, which renders the image gradually transparent in view of said plurality of images displayed so as to eliminate the inconvenience to the user of having obscured images (Col 18, Lines 8-65; Col. 17, Lines 18-31).

Consequently, it would have been clearly obvious to one of ordinary skill in the art to implement the combined teaching with an image that is enlarged until an image becomes equal to or larger than a predetermined value, which renders the image gradually transparent in view of said plurality of images displayed for the stated advantage.

The combined teaching of Goulden, Yeo, Hatori, and Aoki fail to explicitly disclose wherein the value of the number of images displayed is displayed along with the images; and wherein when an image that is presently focused is ahead of the input image data, the image generation means generates a dummy image for a display area that is before the presently focused image;

Nomura teaches displaying the number of images along with the images. Referring to fig. 23, there are six images. Nomura accordingly displays the number six.

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify Goulden, Yeo, Hatori, and Aoki's invention to include the above mentioned limitation, as taught by Nomura, for the advantage of indicating to the user the number of images displayed.

As discussed above, the combined teaching of Goulden, Yeo, Hatori, Aoki, and Nomura disclose wherein when an image that is presently focused is ahead of the input

image data, the image generation means generates an image for a display area that is before the presently focused image; In particular, Hatori discloses images are arranged spirally. However, Goulden, Yeo, Hatori, Aoki, and Nomura fail to disclose displaying a dummy image.

In an analogous art, Dow discloses displaying a dummy image (Fig. 4, col. 4, lines 3-5)

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify Goulden, Yeo, Hatori, Aoki, and Nomura's invention to include the above mentioned limitation, as taught by Dow, for the advantage of conveying a message to the user.

Claim 2 and 11, with respect to Hatori, the images are generated such that the image at the first time point is earlier than an image at the second time point. "On the spiral 104, data icons representing data which are sensed or generated at an earlier time than time assigned to the end point of the outermost curve of the spiral are arranged from the outside toward the inside of the spiral in descending order of time" (Col 5, Lines 18-26).

Claims 3 and 12 contain the limitations of claim 1 as taught by Hatori and are analyzed as previously discussed with respect to that claim.

Claim 4 and 13, the Goulden et al. reference discloses a frame (212) of predetermined size responsive to the use input so as to indicate the user selection (col. 4, line 65-col.5, line 15).

Claims 5-6 and 14-15, the image data moves in both a radial and circumferential direction as defined by a spiral shown in Figure 4, Item 104. "In an advantageous embodiment, the sub-images representing the desired program are distinguished from the others by reducing the visibility of the other sub-images. In this embodiment, the microprocessor causes the brightness mask generator (30 in FIG. 1) to generate a brightness mask signal B which reduces the brightness of the displayed video signal in those screen areas where the sub-images of the non-desired television programs are displayed" (Col 4, Lines 21-28).

Claim 9 and 18, the Hatori et al. reference discloses the image display control means generates a background image which radially spreads from a center of a spiral constructed by the plurality of images, and makes the image display control means display the background image. The spiral is three dimensional such that the smaller the wind, the further away its images are from the user. Referring to fig. 11, the smaller image 1103 (background image compared to image 1102) on the smaller wind is still visible to the user although it is smaller and on a farther wind compared to larger image 1102 on the closer wind – col. 13, lines 1-10.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to SUMAIYA A. CHOWDHURY whose telephone number is (571)272-8567. The examiner can normally be reached on Mon-Fri, 9-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Miller can be reached on (571) 272-7353. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/John W. Miller/
Supervisory Patent Examiner, Art Unit 2421

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